

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Writ Petition No.6234 of 2006

Ashwin Narendra Parmar	Petitioner
Vs.	
Divisional Caste Certificate Scrutiny Committee, Konkan Division, & ors.	Respondents

With
Writ Petition No.6236 of 2006

Punit Pradipkumar Parmar	Petitioner
Vs.	
State of Maharashtra & ors.	Respondents

Ms.A.V.Patne for petitioners.
Mr.C.R.Sonawane, AGP for State.

CORAM: B.H.MARLAPALLE & J.H.BHATIA,JJ.

December 15, 2006.

P.C.

. After these petitions were filed both the petitioners appear to have approached the Additional District Deputy Collector, Mumbai Suburban District and obtained caste certificates as belonging to "Hindu - Mochi" and they claim that the said caste is listed in the Scheduled Castes in the Presidential Order as applicable to the State of Maharashtra. Whereas the caste certificates which were placed before the Scrutiny Committee though issued by the Competent Authority in Mumbai, clearly indicated that both the petitioners' families migrated from Mandhvi

District in Gujarat State. The Scrutiny Committee relied upon the G.R. dated 24/8/1995 of the Government of Maharashtra and returned the certificates stating that migrants from other State cannot approach the Committee for verification of the caste claim.

. The petitioners state that the fresh certificates issued will have to be considered for verification of the caste claim in place of the old certificates which were placed before the Committee and, therefore, they pray for directions to verify their claim afresh. In the verification process if the Scrutiny Committee records a finding that both the petitioners' families or their father had migrated from Gujarat to Maharashtra, the G.R. dated 24/8/1995 will be applicable and the Committee will be justified in returning the claim again. But if the petitioners are able to place before the Committee evidence to show that they are originally from Mumbai, the caste claim will have to be verified.

. We, therefore, dispose off these petitions with liberty to the petitioners to approach the

Scrutiny Committee afresh and submit the caste certificates issued on 18/10/2006 before the Committee along with the supporting documents. The petitioners to appear before the Committee on 20th December 2006. We direct the Committee to subject the caste claim for verification including the vigilance Cell enquiry. The verification proceedings be completed as expeditiously as possible and preferably by 31st March 2007. The petitioners' admission as at present will not be disturbed till 31st March 2007.

(J.H.BHATIA,J.)

(B.H.MARLAPALLE,J.)